

Subject placed in USMS W/NC custody at Mecklenburg County Jail
on 4/4/2014.

KELLY M. NESBIT, USM

Per notification from the Federal Coordinator at the Mecklenburg County Jail, received on 7/2/2014, State charges against this subject have been dismissed. This WHCAP has been satisfied.

KELLY M. NESBIT, USM

Return on Writ (#26). This court understands such entry to mean that defendant satisfied the underlying state sentence and has been released from federal custody as the federal sentence was a consecutive "time served" sentence.

In addition, the court also has in the public docket a return on this court's Judgment, showing as follows:

Subject released from USMS W/NC custody at the Mecklenburg County Jail on 7/2/2014.
TIME SERVED. TOT ICE per detainer.

Return on Judgment (#27). This court understands that such entry means that while the federal Criminal Judgment has been satisfied, defendant has been turned over to Immigration authorities for deportation proceedings based on a detainer. Why defendant remains in a state facility is not within the information this court has access to, but the court assumes that because defendant has been convicted of unlawful reentry, deportation proceedings have been commenced against him and he has been placed in a state facility for ICE detention as ICE typically contracts with state authorities to house its detainees pending processing.

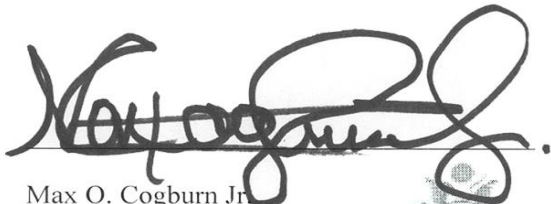
With that information, defendant is advised to speak with his case manager at Polkton concerning the reason for his detention at that facility if it is unclear to him. Defendant is further advised that if he believes he is being held unlawfully by state authorities, he has the right to file

in the district of his confinement a Motion for Writ of *Habeas Corpus* under 28 U.S.C. § 2254. However, defendant is advised that it is not unlawful for federal authorities to house him at a state facility pending deportation proceedings.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks relief from this court in his letter (#28), such requests is denied.

Signed: March 20, 2015



Max O. Cogburn Jr.
United States District Judge